

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

S. 3087

To support revitalization and reform of the Organization
of American States, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. MENENDEZ (for himself, Mr.
KERRY, and Mr. LUGAR)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Organization of Amer-
5 ican States Revitalization and Reform Act of 2010”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The Charter of the Organization of Amer-
9 ican States recognizes that—

1 (A) representative democracy is indispen-
2 sable for the stability, peace, and development
3 of the Western Hemisphere; and

4 (B) a purpose of the Organization of
5 American States is to promote and consolidate
6 representative democracy, with due respect for
7 the principle of nonintervention;

8 (2) The United States supports the purposes
9 and principles enshrined in—

10 (A) the Charter of the Organization of
11 American States;

12 (B) the Inter-American Democratic Char-
13 ter; and

14 (C) the American Declaration on the
15 Rights and Duties of Man.

16 (3) The United States supports the Organiza-
17 tion of American States in its efforts with member
18 states to meet their commitments under the docu-
19 ments set forth in paragraph (2).

20 (4) Congress supports the Organization of
21 American States as it operates in a manner con-
22 sistent with its Charter and Articles 1, 3, and 7 of
23 the Inter-American Democratic Charter, which
24 state—

1 (A) “[t]he peoples of the Americas have a
2 right to democracy and their governments have
3 an obligation to promote and defend it”, and
4 that “[d]emocracy is essential for the social, po-
5 litical, and economic development of the peoples
6 of the Americas”;

7 (B) “[e]ssential elements of representative
8 democracy include, inter alia, respect for human
9 rights and fundamental freedoms, access to and
10 the exercise of power in accordance with the
11 rule of law, the holding of periodic, free, and
12 fair elections based on secret balloting and uni-
13 versal suffrage as an expression of the sov-
14 ereignty of the people, the pluralistic system of
15 political parties and organizations, and the sep-
16 aration of powers and independence of the
17 branches of government”; and

18 (C) “[d]emocracy is indispensable for the
19 effective exercise of fundamental freedoms and
20 human rights in their universality, indivisibility
21 and interdependence, embodied in the respective
22 constitutions of states and in inter-American
23 and international human rights instruments”.

24 **SEC. 3. STATEMENT OF POLICY.**

25 It is the policy of the United States—

1 (1) to promote democracy and the rule of law
2 throughout the Western Hemisphere;

3 (2) to promote and protect human rights and
4 fundamental freedoms in the Western Hemisphere;
5 and

6 (3) to support the practices, purposes, and prin-
7 ciples expressed in the Charter of the Organization
8 of American States, the American Declaration on
9 the Rights and Duties of Man, the Inter-American
10 Democratic Charter, and other fundamental instru-
11 ments of democracy.

12 **SEC. 4. SENSE OF CONGRESS.**

13 It is the sense of Congress that—

14 (1) the Organization of American States (here-
15 after referred to as the “OAS”) should be the pri-
16 mary multi-lateral diplomatic entity for regional dis-
17 pute resolution and promotion of democratic govern-
18 ance and institutions;

19 (2) the Summit of the Americas institution and
20 process embodies a valuable complement to regional
21 dialogue and cooperation;

22 (3) the Summit of the Americas process should
23 be formally and more effectively integrated into the
24 work of the OAS, the Inter-American Development
25 Bank, and the Members of the Joint Summit Work-

1 ing Group, and the OAS should play a central role
2 in overseeing and managing the Summit process;

3 (4) the OAS General Assembly and the Summit
4 of the Americas events should be combined geo-
5 graphically and chronologically in the years in which
6 they coincide;

7 (5) the OAS General Assembly and the Summit
8 of the Americas that relate specifically to economic
9 development should be coordinated with similar ef-
10 forts by the Inter-American Development Bank;

11 (6) all contributing member states to the OAS
12 would benefit from and should adopt a transparent,
13 results-based, and deliberative budget process that is
14 guided by International Public Sector Accounting
15 Standards;

16 (7) to ensure an appropriate balance of prior-
17 ities, the OAS should review its core functions at
18 least annually and seek opportunities to reduce the
19 number of other mandates;

20 (8) any changes to OAS mandates should only
21 be accepted by the member states after the financial
22 costs have been calculated and formally presented,
23 and any new mandates should include a calculation
24 of the financial costs and an identification of the

1 source of funding, including if such funding is inter-
2 nal or external to the OAS;

3 (9) key OAS strengths lie in strengthening
4 peace and security, promoting and consolidating rep-
5 resentative democracy, regional dispute resolution,
6 election assistance and monitoring, development pro-
7 motion, and stewardship of the Inter-American
8 Human Rights System;

9 (10) the core competencies referred to in para-
10 graph (9) should remain central to the strategic
11 planning process of the OAS and the consideration
12 of future mandates;

13 (11) OAS member states would benefit from
14 enhanced coordination between the OAS and the
15 Inter-American Development Bank on issues that re-
16 late to economic development;

17 (12) OAS member states would benefit from
18 the OAS Permanent Council's implementation of a
19 framework to establish—

20 (A) standard reporting requirements for
21 each project and grant agreement, such as
22 measurable goals and clear roles and respon-
23 sibilities; and

24 (B) a process to ensure that agreements
25 adhere to such requirements;

1 (13) all contributing OAS member states would
2 benefit from the implementation of—

3 (A) transparent and merit-based human
4 resource standards and processes; and

5 (B) transparent hiring standards and proc-
6 esses, including with respect to factors such as
7 gender, national origin, and citizenship;

8 (14) the OAS is a valuable platform from which
9 to launch initiatives aimed to benefit the countries
10 of the Western Hemisphere;

11 (15) multi-lateral diplomacy is a critical compo-
12 nent of United States foreign policy; and

13 (16) in order to foster a corps of diplomats
14 skilled in this environment, service in multilateral
15 assignments should be encouraged for and sought
16 after by the best talent possible at the Department
17 of State.

18 **SEC. 5. ORGANIZATION OF AMERICAN STATES REVITALIZA-**
19 **TION AND REFORM STRATEGY.**

20 (a) STRATEGY.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of the Organization
23 of American States Revitalization and Reform Act of
24 2010, the Secretary of State shall submit a
25 multiyear strategy to the Committee on Foreign Re-

1 lations of the Senate and the Committee on Foreign
2 Affairs of the House of Representatives that—

3 (A) outlines a recommended approach to
4 the OAS to encourage the adoption of—

5 (i) International Public Sector Ac-
6 counting Standards;

7 (ii) a results-based budgeting process
8 in order to strategically prioritize current
9 and future mandates; and

10 (iii) transparent hiring practices; and

11 (B) reflects the inputs and coordination
12 from other Executive Branch agencies, as ap-
13 propriate.

14 (2) NOTIFICATION AND COORDINATION.—The
15 Secretary of State shall—

16 (A) proactively inform Executive Branch
17 agencies about the role and importance of the
18 OAS and encourage increased use of the OAS
19 as a forum through which to publicize hemi-
20 spheric initiatives and encourage increased use
21 of the OAS as a forum through which to pub-
22 licize hemispheric initiatives;

23 (B) promote donor coordination among
24 OAS member states; and

25 (C) help set priorities for the OAS.

1 (b) REPORT.—Not later than 1 year after the date
2 on which the strategy is submitted under subsection (a),
3 the Secretary of State shall submit a report to the commit-
4 tees referred to in subsection (a)(1) that analyzes the
5 progress made by the Organization of American States—

6 (1) to adopt and implement International Pub-
7 lic Sector Accounting Standards, a results-based
8 budgeting process in order to strategically prioritize
9 future mandates;

10 (2) to adopt and implement transparent and
11 merit-based human resource standards and practices
12 and transparent hiring standards and processes, in-
13 cluding with respect to factors such as gender, na-
14 tional origin, and citizenship; and

15 (3) to adopt the practice of soliciting member
16 quotas to be paid on a quarterly basis, without dis-
17 counts, to improve the consistency of its operating
18 budget.